UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,611	01/08/2008	Ronald L. Rivest	69828.8005 US02	1989

25096 7590 06/30/2011

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER	
JOHNS, CHRISTOPHER C	
ART UNIT	PAPER NUMBER
3621	

NOTIFICATION DATE	DELIVERY MODE
06/30/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentprocurement@perkinscoie.com

Office Action Summary	Application No.	Applicant(s)	
	10/553,611	RIVEST ET AL.	
	Examiner	Art Unit	
	CHRISTOPHER C. JOHNS	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *151-164* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *151-164* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/16/08, 4/4/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Acknowledgements

1. This Office Action is given Paper No. 20110621 for reference purposes only.

2. This Office Action is in response to the original filing of the application.

3. All references to the capitalized version of "Applicant" refer specifically to the Applicants of record in the instant application. Any references to lowercase versions of "applicant" or "applicants" refer to any or all patent applicants. Unless expressly noted otherwise, references to the capitalized version of "Examiner" refers to the Examiner of record while reference to or use of the lower case version of "examiner" or "examiners" refers to examiner(s) generally. The notations in this paragraph apply to any future Office actions from this Examiner.

4. Based on a comparison of U.S. Patent Application Publication 2008/0232590 ("PGPub") with Applicants' originally-filed specification, the PGPub appears to be a fair and accurate representation of Applicants' originally-submitted specification. Therefore, when necessary, and unless expressly noted otherwise by the Examiner, any references in this or any future Office Actions to Applicants' specification will refer to paragraph numbers in the PGPub (e.g. [0043]).

5. Claims 151-164 are pending.

6. Claims 151-164 have been examined.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 151-157 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

9. As per claims 151-157, based upon consideration of all of the relevant factors with respect to the claims as a whole, the claims are directed to an abstract idea and are therefore rejected as ineligible subject matter under 35 U.S.C. § 101.

10. One factor to consider when determining if a claim recites a §101 patent eligible process is whether the claimed process (1) is tied to a particular machine (or apparatus) or; (2) transforms a particular article to a different state or thing. See *In re Bilski*, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008) (en banc) *aff'd, Bilski v. Kappos*, 561 U.S. ___, 130 S.Ct. 3218, 95 USPQ2d 1001 (U.S. 2010). The Examiner will call this test the Machine-or-Transformation Test ("M-T Test").

11. To meet prong (1) of the M-T Test, the method step should positively recite the particular machine to which it is tied. This may be accomplished by having the claim positively recite the machine that accomplishes the method steps. Alternatively, or to meet prong (2), the method step should positively recite the material that is being changed to a different state or positively recite the subject matter that is being transformed. For example, a method claim that would probably *not* qualify as a statutory process because it is an abstract idea would be a claim that recites purely mental steps.

12. In this particular case, the claims fail prong (1) because the methods steps of "receiving a hashed . . . data object," "receiving . . . data keys," "receiving a . . . data object," "hashing," "grouping," and "hashing" are not tied to a particular machine. For example, the steps of "receiving a hashed . . . data object," "receiving . . . data keys," "receiving a . . . data object," "hashing," "grouping," and "hashing" could be performed **by hand** - they are merely mathematical operations ("hashing," "grouping," and "hashing") or operations that can be accomplished by obtaining something ("receiving a hashed . . . data object," "receiving . . . data keys," "receiving a . . . data object").

13. Additionally, the claims fail prong (2) because the method steps do not transform the underlying subject matter to a different state or thing.

14. For additional guidance, see USPTO Memorandum[1] by Bahr, Robert W., Interim Guidance for Determining Subject Matter Eligibility for Process Claims in View of Bilski v. Kappos,[2] July 27, 2010.

15. To overcome this particular 35 U.S.C. § 101 rejection and assuming the original specification supports such an amendment in accordance with 35 U.S.C. § 112 1st paragraph, the Examiner recommends (by way of example only) that Applicant amend claim 151 to recite that the operations are performed by a particular machine (e.g. a computer).

---

[1] See MPEP §707.06 "Citation of Decisions, Orders Memorandums, and Notices" expressly authorizing examiners to cite to Commissioner's Memorandums which have not yet been incorporated into the MPEP.

[2] Available at http://www.uspto.gov/patents/law/exam/memoranda.jsp

Claim Rejections - 35 USC § 112 First Paragraph

16. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

17. Claims 151-164 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

18. Claim 151 recites "receiving a hashed, multi-level, data object, wherein the hashed, multi-level, data object includes one or more hashed, non-target data objects . . . " The originally-filed disclosure does not contain explicit support for a **data object** (containing hashed non-target data objects) **which is hashed**. While the originally-filed disclosure contains support for a data object **containing** hashed data objects (see e.g. figure 10 and [0150-55]), the originally-filed disclosure does not contain support for the object containing the hashed objects being hashed.

19. The Examiner recommends amending claim 151 to recite that the multi-level data object itself is not hashed; e.g. "receiving a multi-level data object composed of hashed non-target data objects . . . ."

20. Claim 158 contains a similar recitation and is therefore rejected for similar reasons.

Claim Rejections - 35 USC § 112 Second Paragraph

21. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

22. Claims 151-164 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

23. Claim 151 recites "receiving one or more sequential data keys, wherein each sequential data key corresponds to a hashed, non-target data object at a unique level within the hashed, multi-level, data object" (page 2, claim lines 4-6).

24. The recitation of "receiving one or more sequential data keys, wherein each sequential data key corresponds to a hashed, non-target data object at a unique level within the hashed, multi-level, data object" renders the claim indefinite because the term "sequential data key [corresponding] to [an object] at a unique level" is indefinite. The term "sequential data key [corresponding] to [an object] at a unique level" is indefinite because–to one of ordinary skill in this art–the metes and bounds of the term cannot be reasonably determined.

a. First, the Examiner has carefully reviewed the original specification and cannot locate a lexicographic definition for this term with the required clarity, deliberateness, and precision.

b. Second, the Examiner has again reviewed all documents of record in conjunction with MPEP §2141.03 including the original specification and claims.

25. Based at least upon the two points above, it is the Examiner's position that the term "sequential data key [corresponding] to [an object] at a unique level" (as used in the context of these particular claims) is neither lexicographically defined by Applicants nor known to those of ordinary skill in this art.

26. However, if Applicants believe that the term *is* old and well known in the art, Applicants should (in their next appropriately filed response) expressly state on the record that the term is old and well known in the art *and* provide appropriate evidence in support thereof (*e.g.* a U.S. patent). Upon receiving (1) Applicants' express statement that the term is old and well known in the art *and* (2) sufficient evidence in support thereof, the Examiner will withdraw this particular 35 U.S.C. §112, 2nd paragraph rejection.

27. Claim 158 contains a similar recitation and is therefore rejected for similar reasons.

28. The Examiner finds that because the claims are indefinite under 35 U.S.C. §112, 2nd paragraph, it is impossible to properly construe claim scope at this time. However, in accordance with MPEP §2173.06 and the USPTO's policy of trying to advance prosecution by providing art rejections even though claims may be indefinite, the claims are construed and the prior art is applied as much as practically possible.

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

30. Claims 151 and 158 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,309,569 ("Merkle") in view of U.S. Patent 6,097,811 ("Micali").

31. As per claim 151, Merkle discloses:

32. receiving a hashed multi-level data object (figure 1; note that the tree contains 4 levels with hashed data, e.g. H(1,2,Y)), wherein the hashed, multi-level, data object includes one or more hashed (figure 1; e.g. H(3,4,Y)), non-target (column 2, lines 23-27 - "the root of the authentication tree and the authentication tree function are authenticated at the receiver" - note that the child nodes are not checked; rather, the top node is) data objects (figure 1; e.g. H(3,4,Y));

33. receiving a non-hashed, target data object (before a leaf Y_i is added to the tree, it is not hashed - it is just data);

34. hashing the non-hashed, target data object to generate an Nth level hashed data object (column 2, lines 60-65 - "H(i,i,Y) = **$F(Y_i)$** . . . $F(Y_i)$ is a **one way function**");

35. hashing the Nth level object/key pair to generate an Nth+1 level hashed data object (column 2, line 64 - "H(i,j,Y) = F(H(I,i+j-1/2,Y),H(i+j+1)/2,j,Y))" - note that each higher level is a result of hashing the lower levels).

36. Merkel does not explicitly disclose:

37. receiving one or more sequential data keys, wherein each sequential data key corresponds to a hashed, non-target data object at a unique level within the hashed, multi-level, data object;

38. grouping the Nth level hashed data object with an Nth level, sequential data key to generate an Nth level object/key pair;

39. wherein grouping the Nth level hashed data object and hashing the Nth level object/key pair are repeated for each sequential data key.

40. Micali teaches:

41. receiving one or more sequential data keys (column 9, lines 50-55 - "**CI . . . some certificate information**"), wherein each sequential data key corresponds to a hashed, non-target data object at a unique level within the hashed, multi-level, data object (column 9, lines 50-55 - "**CI** . . . some certificate information that **we wish to associate to node N**");

42. grouping the Nth level hashed data object with an Nth level sequential data key to generate an Nth level object/key pair (column 9, lines 53-55 - "value associated with node N can be made equal to VN=H(**VL**,VR,**CI**)");

43. wherein grouping the Nth level hashed data object and hashing the Nth level object/key pair are repeated for each sequential data key (note that the process in column 9, lines 46-55, can be repeated for "one **or more of the nodes**").

44. The system in Micali allows for certificates to be provided to users while avoiding the costs of validating each individual certificate in a chain. The shape of the tree allows users to merely determine whether the top node is consistent with the expected top node value, in order to determine whether the entire chain of data is valid. This creates a faster-operating and cheaper-

to-operate system; column 3 lines 1-10 note that verifying "one hundred digital signatures per day on average" can cost "$10.848 million of which $10,237 million is due to [certificate revocation list] transmission." By allowing users to merely test the top node in a tree, the tree effects a much cheaper and faster system.

45. Therefore, it would have been obvious to a person having ordinary skill in the art to include in Merkel the tree system as taught by Micali, since the claimed invention is merely a combination of old elements, and in the combination, Micali's certificate information merely would have performed the same function as it did separately. A person having ordinary skill in the art would have recognized that the results of the combination were predictable.

46. Additionally, a person having ordinary skill in the art would have recognized that the results of the combination were advantageous because it would create a faster-operating and cheaper-to-operate system.

47. The Examiner finds that claim 158 is not patentably distinct from claim 151, because the inventions in claims 151 and 158 are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the method in claim 151 cannot be practiced by a materially different system than the product in claim 158 because the steps in claim 151 are recited in structural form in claim 158. Additionally, the product in claim 158 cannot practice a materially different method than the one in claim because 151 because the steps in claim 151 are recited in structural form in claim 158.

48. Because claim 158 is not patentably distinct from claim 151, the Examiner concludes that the patentability of claim 158 stands or falls with claim 151.

49. Claims 152, 153, 159, and 160 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merkel in view of Micali, further in view of U.S. Patent 6,085,320 ("Kaliski").

50. As per claim 152, Merkel in view of Micali discloses as above, but does not explicitly disclose:

51. encrypted, hashed, multi-level data object;

52. decrypting the encrypted, hashed, multi-level, data object to generate a decrypted, hashed, multi-level data object.

53. Kaliski teaches:

54. encrypted, hashed, multi-level data object (claim 7 - "**encrypting** and transmitting **at least a portion of a path through the hash tree**");

55. decrypting the encrypted, hashed, multi-level, data object to generate a decrypted, hashed, multi-level data object (in order to use encrypted data, the data must inherently be decrypted, because otherwise it would be unusable).

56. Encrypting data between two devices creates a system by which only those two devices are able to recover the data. This creates a more secure system by which only those possessing the necessary encryption data (i.e. a key) are able to recover the data, thus keeping out nefarious users who should not be permitted to access the data. This, in turn, creates a more profitable system because users would be more likely to purchase and use a system that does not allow unauthorized users to utilize its data.

57. Therefore, it would have been obvious to a person having ordinary skill in the art to include in Merkel and Micali the tree encryption system as taught by Kaliski, since the claimed invention is merely a combination of old elements, and in the combination, Kaliski's encryption merely would have performed the same function as it did separately. A person having ordinary skill in the art would have recognized that the results of the combination were predictable.

58. Additionally, a person having ordinary skill in the art would have recognized that the results of the combination were advantageous because it would create a more secure and profitable system.

59. As per claim 153, Merkel in view of Micali, further in view of Kaliski, discloses as above, and further discloses:

60. comparing the decrypted, hashed, multi-level data object to the highest-level hashed data object generated to determine the validity of the hashed, multi-level data object (Kaliski, claim 7 - "comparing the **computed hash tree root** with the **hash tree root contained in the credential**").

61. As per claim 159, Merkel in view of Micali, further in view of Kaliski, discloses as above, and further discloses:

62. encrypted, hashed, multi-level data object (Kaliski, claim 7 - "**encrypting** and transmitting **at least a portion of a path through the hash tree**");

63. decrypting the encrypted, hashed, multi-level, data object to generate a decrypted, hashed, multi-level data object (in order to use encrypted data, the data must inherently be decrypted, because otherwise it would be unusable).

64. As per claim 160, Merkel in view of Micali, further in view of Kaliski, discloses as above, and further discloses:

65. comparing the decrypted, hashed, multi-level data object to the highest-level hashed data object generated to determine the validity of the hashed, multi-level data object (Kaliski, claim 7 - "comparing the **computed hash tree root** with the **hash tree root contained in the credential**").

66. Claims 154-157 and 161-164 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merkel in view of Micali, further in view of U.S. Patent 5,857,023 ("Demers").

67. As per claim 154, Merkel in view of Micali discloses as above, but does not explicitly disclose:

68. non-hashed, target data object is a micropayment token.

69. Demers teaches:

70. non-hashed, target data object is a micropayment token (column 12, lines 10-20 - "$P_1 = H^1$(Mc, NameS, i) . . . **Payment P_1**").

71. The system in Demers allows for hash chains to be used for verifying payment tokens as a group. This creates a system where each payment token (except for the first one) is a derivation of the previous payment token. This makes verifying payments easier and quicker

because only one verifier needs to be compared (column 12, lines 30-37). This, in turn, creates a faster system because "Bank 18 . . . transmits only the first verifier needed by seller 17" instead of sending the verifier for each payment (column 10, lines 20-35).

72. Therefore, it would have been obvious to a person having ordinary skill in the art to include in Merkel and Micali the payment tokens as taught by Demers, since the claimed invention is merely a combination of old elements, and in the combination, Demers' payment tokens merely would have performed the same function as they did separately. A person having ordinary skill in the art would have recognized that the results of the combination were predictable.

73. Additionally, a person having ordinary skill in the art would have recognized that the results of the combination were advantageous because it would create a faster-operating system.

74. As per claim 155, Merkel in view of Micali further in view of Demers, discloses as above, and further discloses:

75. micropayment token is a selected micropayment token (Demers, column 12, lines 20-25 - the bank must verify Payment P_{α} first because it is the one that will enable verification of the remaining payments).

76. As per claim 156, Merkel in view of Micali further in view of Demers, discloses as above, and further discloses:

77. micropayment token is an unselected micropayment token (Demers, column 12, lines 20-25 - in attempting to verify the earliest payment (P_1), P_α is verified because it is how the system in Demers operates).

78. As per claim 157, Merkel in view of Micali further in view of Demers, discloses as above, and further discloses:

79. non-hashed, target data object is an offer package (Demers, column 12, lines 10-20 - "**Payment P_α**" - the user's payment is an offer to pay).

80. As per claim 161, Merkel in view of Micali further in view of Demers, discloses as above, and further discloses:

81. non-hashed, target data object is a micropayment token (Demers, column 12, lines 10-20 - "$P_1 = H^1(Mc, NameS, i)$ . . . **Payment P_1**").

82. As per claim 162, Merkel in view of Micali further in view of Demers, discloses as above, and further discloses:

83. micropayment token is a selected micropayment token (Demers, column 12, lines 20-25 - the bank must verify Payment P_α first because it is the one that will enable verification of the remaining payments).

84. As per claim 163, Merkel in view of Micali further in view of Demers, discloses as above, and further discloses:

85. micropayment token is an unselected micropayment token (Demers, column 12, lines 20-25 - in attempting to verify the earliest payment (P_1), P_α is verified because it is how the system in Demers operates).

86. As per claim 164, Merkel in view of Micali further in view of Demers, discloses as above, and further discloses:

87. non-hashed, target data object is an offer package (Demers, column 12, lines 10-20 - "**Payment P_α**" - the user's payment is an offer to pay).

Claim Interpretation

88. The Examiner hereby adopts the following definitions under the broadest reasonable interpretation standard. In accordance with *In re Morris*, 127 F.3d 1048, 1056, 44 USPQ2d 1023, 1029 (Fed. Cir. 1997), the Examiner points to these other sources to support his interpretation of the claims. Additionally, these definitions are only a guide to claim terminology since claim terms must be interpreted in context of the surrounding claim language. Finally, the following list is not intended to be exhaustive in any way:

89. ***For***: "1 a -- used as a function word to indicate purpose... b -- used as a function word to indicate an intended goal" Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield MA, 1986.

90. ***Generate***: "to bring into existence." Merriam-Webster's Collegiate Dictionary, 10th Edition. Merriam-Webster Inc., Springfield, MA, 1997.

91. ***Generator***: "(2) (computers) a controlling routine that performs a generate function, for example, report generator, input-output generator." The Authoritative Dictionary of IEEE Standards Terms, 7th Ed., IEEE, Inc., New York, NY, 12/2000.

92. ***Group***: "to combine in a group." Merriam-Webster's Collegiate Dictionary, 10th Edition, Merriam-Webster Incorporated, Springfield MA, 1997.

93. ***Hash***: "To be mapped to a numerical value by a transformation known as a hashing function." Microsoft Computer Dictionary, 5th Edition, Microsoft Press, Redmond, WA, 2002.

94. ***Key***: "In encryption and digital signatures, a string of bits used for encrypting and decrypting information to be transmitted." Microsoft Computer Dictionary, 5th Edition, Microsoft Press, Redmond, WA, 2002.

95. ***Method***: "1 b (1): a way, technique, or process of or for doing something." Merriam-Webster's Collegiate Dictionary, 10th Edition, Merriam-Webster Incorporated, Springfield MA, 1997.

96. ***Offer***: "to propose as payment : BID." Merriam-Webster's Collegiate Dictionary, 10th Edition, Merriam-Webster Incorporated, Springfield MA, 1997.

97. ***Receive***: "to come into possession of : ACQUIRE < ~ a gift>" Merriam-Webster's Collegiate Dictionary, 10th Edition, Merriam-Webster Incorporated, Springfield MA, 1997.

98. ***Select***: "to choose (as by fitness or excellence) from a number of group; pick out . . . ." Merriam-Webster's Collegiate Dictionary, 10th Edition, Merriam-Webster Incorporated, Springfield MA, 1997.

99. ***To***: "2a -- used as a function word to indicate purpose, intention, tendency, result, or end." Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield MA, 1986.

100. ***Token***: "symbol, emblem <a white flag is a ~ of surrender>." Merriam-Webster's Collegiate Dictionary, 10th Edition, Merriam-Webster Incorporated, Springfield MA, 1997.

101. ***Unique***: ""being the only one : SOLE." Merriam-Webster's Collegiate Dictionary, 10th Edition, Merriam-Webster Incorporated, Springfield MA, 1997.

Conclusion

102. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to CHRISTOPHER C. JOHNS whose telephone number is (571)270-3462. The Examiner can normally be reached from Monday through Friday from 9am to 5pm. The Examiner's direct fax line is (571) 270-4462.

103. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer, can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

104. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Christopher C Johns/
Examiner, Art Unit 3621